

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)
)
v.) No. 3:12-00013
) JUDGE CAMPBELL
NICKLESS WHITSON)

ORDER

Pending before the Court are the Defendant's Second Motion To Transfer Custody (Docket No. 180); Amendment To Second Motion To Transfer Custody (Docket No. 186); Declarations of Stephanie H. Gore, counsel for the Defendant (Docket Nos. 182, 186-1); and the Government's Response (Docket No. 187). Through the Motion and Amendment, the Defendant again requests that the Court issue an order transferring him to state custody because his current conditions of confinement, at the Montgomery County Jail, interfere with his ability to assist in his defense. The Government opposes such a transfer, and indicates that the Marshals Service is agreeable to transporting the Defendant to the Courthouse for attorney meetings.

The Second Motion and Amendment (Docket Nos. 180, 186) are DENIED. Provided, however, that the Marshals Service, with reasonable notice, shall transport the Defendant to the Courthouse for attorney meetings at reasonable intervals. To the extent counsel for the Defendant has reasonable cause to believe that the Defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in

his defense, pursuant to 18 U.S.C. §§ 4241 and 4247, she may file a motion seeking a mental

evaluation.

It is so ORDERED.

Todd Campbell
TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE